

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 13-14, 17-23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Okami et al., U.S. Patent # 5,216,104 for the reasons outlined previously.

Respectfully, Applicant has correlated the wrong component of Example 2 of the prior art with POS(III) and, as a result, mistakenly concludes that POS(II) is not disclosed. The *first* component mentioned in Example 2, for which there is added 100 parts, may be correlated with POS (II) of the instant invention, not POS (III). Indeed, this component contains dimethylvinylsilyl endgroups and, thus, corresponds to POS (II) where the variable "s" symbolizing the number of alkenyl radicals equals "1" in both groups "M". There are also contained within that polymer material dimethylsiloxane units ("v" =2) and a single vinylmethylsiloxane unit ("u"=1, "v"=1). Given that there are two terminal alkenyl groups and one interior alkenyl group, all structural aspects of POS (II) are satisfied.

The next polymer mentioned in Example 2, for which there are added 10 parts, is a trimethylsilyl-endblocked (i.e. "w" = 0) polydimethylsiloxane comprising one vinylmethylsiloxane unit ("y" =1, "z" = 1) thereby meeting all of the structural requirements of POS (III).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okami et al., U.S. Patent # 5,216,104 for the reasons outlined previously.

Claims 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozai et al., U.S. Patent Application Publication No. 2003/0220448 in view of Okami, U.S. Patent # 5,206,104 for the reasons outlined previously.

Applicant has made no attempt to respond to the concerns raised by the Examiner in his April 12, 2011 communication. Therein, the Examiner had explained why it was still not possible to glean from the information provided an unexpected result that would provide a foundation for the Examiner to withdraw this rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC ZIMMER whose telephone number is (571)272-1096. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Marc S. Zimmer/
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